**IN THE HIGH COURT OF KERALA AT ERNAKULAM**

**PRESENT :**

**THE HONOURABLE MR. JUSTICE K.M.JOSEPH**

**THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929**

**WP(C).No. 24851 of 2007(H)**
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**PETITIONERS:**
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**1. K.MURALEEDHARAN,**
**MEMBER NO.30, THIRUVANANTHAPURAM RURAL POLICE CONSUMER CO-OPERATIVE STORE LTD.NO.T.1351, NEYYATTINKARA, THACHARIYIL VEEDU, KARIYIL, KAZHAKUTTAM P.O., TVM, NOW RESIDING AT POLICE QUARTERS, ATTINGAL.**

**2. B.M.JAYATHILAKAN,**
**MEMBER NO.110, THIRUVANANTHAPURAM RURAL POLICE CONSUMER CO-OPERATIVE STORE LTD.NO.T.1351, NEYYATTINKARA, NOW RESIDING AT POLICE QUARTERS, ATTINGAL.**

**BY ADV. SRI.SIJU KAMALASANAN**
**SRI.PRATHEESH.P**

**RESPONDENTS:**
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**1. THE JOINT REGISTRAR OF CO-OPERATIVE SOCIETIES, THIRUVANANTHAPURAM.**

**2. THIRUVANANTHAPURAM RURAL POLICE CONSUMER CO-OP. STORE LTD. NO.T.1351, NEYYATTINKARA, REPRESENTED BY ITS SECRETARY.**

**3. THE RETURNING OFFICER,**
**THIRUVANANTHAPURAM RURAL POLICE CONSUMER CO-OP. STORE LTD.NO.T.1351, NEYYATTINKARA,**
**(CO-OPERATIVE INSPECTOR, ASSISTANT REGISTRAR (GENERAL'S) OFFICE, NEYYATTINKARA).**

**R1 BY GOVERNMENT PLEADER (SMT. ANU SIVARAMAN)**

**R2 BY ADV. SRI.N.NANDAKUMARA MENON**
**SRI. P.K. MANOJ KUMAR.**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

**K. M. JOSEPH, J.**

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**W.P.C. NO. 24851 OF 2007 H**

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**Dated this the 16th August, 2007**

**JUDGMENT**

Petitioners seek to challenge Ext.P1 Notification and seek a direction to the third respondent to re-schedule the election after giving proper notice as per the Rules contemplated in the Kerala Co-operative Societies Rules, 1969.

2. According to petitioners, the third respondent Returning Officer appointed to conduct the election did not give intimation regarding the details of election of the Members to all Members of the Society included in the final list of voters. It is stated that the Returning Officer failed to issue notice as contemplated in Rule 35(3) of the Kerala Co-operative Societies Rules. It is further stated that the third respondent illegally fixed the time schedule to issue the nomination paper on 6.8.2007 at 11 AM and 3 PM so as to avoid the Members from contesting the election. It is also stated that the action of the Returning Officer fixing only a short duration of four hours time to issue

nomination paper is illegal, irregular and improper. The date fixed for final voters list was on 7.8.2007 and the date fixed for election of new Office bearers is on 19.8.2007. It is stated that the period stipulated in Rule 35(3) is violated. It is further contended that the final voters list should be published at least fifteen days prior to the election.

2. I would think that the petitioners have an effective alternate remedy under Section 69 of the Act. There is no case that the voters list as required in law, has not been published. I feel that the petitioners should be relegated to, if they are so advised, approach the Authority under Section 69 of the Act. I also note that the election is to be held on 19.8.2007 and the Writ Petition is filed on 14.8.2007 which is brought up before this court only on 16.8.2007. Without prejudice to the right of the petitioners to challenge the result of the election under Section 69 of the Act, the Writ Petition is disposed of.

**kbk.** **K. M. JOSEPH, JUDGE**

**kbk.**